

S.B. Civil First Appeal No.188/1997
 Smt. Jaitoon
 VS
 Paul Kaur
 AND
S.B. Civil First Appeal No.189/1997
 Smt. Jaitoon
 VS
 Pratap Singh

Date of order : 9.10.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.Manish Shishodia, for the appellant.
 Mr.Ramandeep Singh, for the respondent.

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Two suits were filed by plaintiff Smt. Jaitoon, which are civil original suit nos.1/93 and 3/93. The suit no.1/93 was filed against Paul Kaur whereas suit no.3/93 was filed against Pratap Singh. The suits were filed for cancellation of sale deeds dated 12th August, 1991 (in both the cases), which were executed in favour of above mentioned defendants, who are respondents in these two appeals.

The trial court dismissed both the suits by common judgment and decree dated 21st Oct., 1997 on the basis of common grounds. To challenge the judgment and decree of the trial court passed in civil original suit no.1/93, SBCFA No.188/197 and to challenge the judgment and decree passed in civil original suit no.3/93, SBCFA No.189/1997 have been preferred in this Court.

Both the parties in both the appeals have submitted compromise of same nature and both the parties prayed that the judgment and decree of the trial court dated 21st Oct., 1999 passed in civil original suits nos. 1/93 and 3/93 may be set aside. The sale deed dated 12.8.1992 may be declared null and void. The respondent be restrained from interfering in possession of the plaintiff-appellant. The plaintiff-appellant shall be entitled to get back mesne profit which was deposited by the appellant-plaintiff in the trial court alongwith other amount of mesne profit deposited by the plaintiff-appellant in pursuance of the order passed by this Court in both the appeals. The counter claims filed by the defendants in view of the above be dismissed.

Since the matter has been settled between the parties by way of compromise and the compromise has been duly verified by the Dy. Registrar (Judl.), Rajasthan High Court, Jodhpur on 20th Sept., 2007, therefore, it is ordered; the judgment and decree passed by in civil original suits nos. 1/93 and 3/93 dated 21st August, 1997 are set aside, the counter claims filed by the defendants-respondents are dismissed, both the suit of the plaintiff bearing no.1/93 and 3/93 are decreed in terms of compromise, the sale deeds dated 12.8.1992 executed in favour of both the parties in above mentioned suits are

declared null and void and hereby cancelled. The respondents are restrained from interfering in the possession of the plaintiff either herself or through her any agent, the plaintiff-appellant shall be entitled to refund of the amount, which was deposited by the plaintiff-appellant in the trial court as well as the amount of mesne profit, which the plaintiff-appellant has deposited in these two appeals.

No order as to costs.

(PRAKASH TATIA), J.

c.p.goyal/-